



RCE/1614#

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/884,466
Filing Date	June 20, 2001
First Named Inventor	Arthur L. HERBST, et al.
Group Art Unit	1614
Examiner Name	Vickie Kim
Attorney Docket Number	58532-012

#13  
JRP  
6/5/03

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on May 2, 2003  
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

iii. ☐ Other

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other

2. **Miscellaneous**

a. ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 500417.

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) **\$375.00**

ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Other

b. ☐ Check in the amount of \$\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)		Registration No. (Attorney/Agent)	09/884,466
Signature		Date	09/05/2003

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Parents, Box RCE, Washington, D.C. 20231, or facsimile transmitted to the US Patent and Trademark Office on:			
Name (Print/Type)	Robert L. Price - Registration No. 22,685		
Signature	<i>Robert L. Price</i>	Date	May 29, 2003

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01 FC:1801  
Adjustment date 06/05/2003  
05/30/2003 SDIR T01 00000003 500417  
01 FC:2801

Docket No.: 58532-012

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*JPL*  
*6/5/03*

In re Application of	:	<b>RESPONSE UNDER 37 CFR 1.116</b>
Arthur L. HERBST, et al.	:	<b><u>EXPEDITED PROCEDURE</u></b>
Serial No.: 09/884,466	:	Group Art Unit: 1614
Filed: June 20, 2001	:	Examiner: Vickie Kim
For: COX-2 INHIBITORS AND THE PREVENTION OF THE SIDE EFFECTS OF RADIATION THERAPY	:	

*#11/B*  
*(#)*

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**AMENDMENT**

**BOX AF**

Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Official Action dated January 29, 2003, please amend the  
above-application as follows: